



Reply Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 1625

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Helmut Meissner *et al.*

Examiner: Evelyn Mei Huang

Serial No.: 09/965,766

Group Art Unit: 1625

Filed: September 28, 2001

Docket: 1/1150

For: ANTICHOLINERGICS, PROCESSES FOR PREPARING THEM, AND
PHARMACEUTICAL COMPOSITIONS CONTAINING THEM

Assistant Commissioner for Patents
Washington, DC 20231

REPLY UNDER 37 C.F.R. § 1.116
IN RESPONSE TO NOVEMBER 26, 2002, OFFICE ACTION

Sir:

This Reply is filed in response to the Office Action of November 26, 2002. In that Office Action, a three month shortened statutory period was set for response, and this Reply is therefore timely.

Remarks

Claims 1 to 40 are pending. Applicants hereby affirm their election of Group I, claims 1 to 12 and 19 to 35.

As a first matter, applicants thank the Examiner for explicitly withdrawing many of the previous rejections and clarifying the remaining issues.

Applicants, however, respectfully request that the Examiner withdraw the finality of the instant Office Action as premature. See M.P.E.P. § 706.07(c)-(d). In the instant Office Action, the Examiner imposed for the first time obviousness-type double patenting rejections of claims 1 to 12 and 19 to 35 over claims 1 to 14 of Banholzer *et al.* (U.S. Patent No. 5,770,738, hereinafter "Banholzer I") and claims 1 to 10 of Banholzer *et al.* (U.S. Patent No. 5,654,314, hereinafter "Banholzer II"). Since this is a new ground of rejection that was not necessitated by applicants' amendment of the claims (as the claims were narrowed only and such rejections could have been made in the first Office Action) nor based on information

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